

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

04-0-2219

AN ORDINANCE AUTHORIZING DISTRIBUTION OF A PORTION OF THE TREE TRUST FUND SUCH THAT: \$200,000 SHALL BE ALLOCATED TO THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS FOR PLANTING TREES IN CITY PARKS AND IN THE CITY RIGHT OF WAY; \$100,000 PER YEAR SHALL BE ALLOCATED TO PARK PRIDE FOR A TREE PLANTING MATCHING PROGRAM; AND THE MAYOR SHALL BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH TREES ATLANTA, INC. FOR THE PLANTING AND MAINTENANCE OF TREES IN AN AMOUNT NOT TO EXCEED \$791,300.00 TO BE PAID FOR FROM THE TREE TRUST FUND; AND ALL WORK SHALL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 3P02 724001 N12P0613QNAO, CONSULTANT PROFESSIONAL SERVICES, TREE RECOMPENSE FUND; AND FOR OTHER PURPOSES.

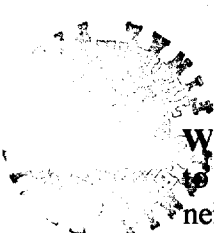
WHEREAS, the City of Atlanta ("City") Tree Conservation Commission was established by the City's Tree Ordinance to oversee the management and maintenance of trees on both public and private property, and to establish educational programs that encourage proper management and maintenance of trees on private property so that the City and its residents enjoy the benefits provided by the City's urban forest; and

WHEREAS, in 2001, in what is codified as Atlanta Code of Ordinances section 158-66, the Tree Conservation Commission was tasked with establishing a Tree Trust Fund to be utilized for the protection, planting, maintenance, and regeneration of City trees and other forest resources, and for related educational programs and materials; and

WHEREAS, the Tree Trust Fund is funded by developers, builders, contractors, homeowners and others as a recompense for permitted and illegal removal and destruction of trees within the City; and

WHEREAS, to date, the Tree Trust Fund has accumulated a total amount of \$2,129,158, and \$600,000 of that money has been allocated for maintaining a healthy tree canopy; and

WHEREAS, Trees Atlanta Inc. ("Trees Atlanta") is a non-governmental, non-profit organization, which for twenty years has been committed to the care and replenishment of urban forestry, and planting trees in the City's rights of way, and there is no other organization with this mission or performing this work; and



WHEREAS, Trees Atlanta is the only organization that utilizes neighborhood volunteers to plant trees, thereby dramatically reducing the cost of its services while improving neighborhood involvement and sense of ownership in City projects; and

WHEREAS, the City desires to spend approximately \$791,300 of the funds currently in the Tree Trust Fund to plant and maintain trees throughout the City, and especially Downtown, to contribute toward the Mayor's Downtown Initiative; and

WHEREAS, the planting and maintenance of trees will greatly reduce soil erosion, runoffs, and flooding, will improve the air quality, will provide a shaded and cool atmosphere for walking and other outdoor activities, will prompt an appreciation of property values, and will enhance the beauty of the City, thereby making the City more livable and attracting tourists and investors; and

WHEREAS, in 2004, Trees Atlanta was granted a contract, paid for from the Tree Trust Fund, whereby Trees Atlanta implemented the "NeighborWoods" program, the "Urban Street Trees" planting campaign, and the Downtown Atlanta Tree Maintenance project ("2004 Trees Atlanta Project"); and

WHEREAS, under the "NeighborWoods" program, Trees Atlanta is in the process of planting one thousand four hundred (1,400) eight-foot tall trees in total, along neighborhood streets, schools and parks. These plantings will be completed no later than December 31, 2004. Each City council district received a minimum of one hundred of those trees, and the trees were planted by neighbors, Trees Atlanta volunteers, and local school children. An extra two hundred trees were planted in districts where Trees Atlanta had already received requests and pre-planned specific projects beyond the minimum one hundred trees. Trees Atlanta maintains the trees and guaranteed the survival of the trees for three years, excluding trees lost to theft or vandalism; and

WHEREAS, the "Urban Street Trees" initiative is a program whereby Trees Atlanta is in the process of planting two hundred and forty (240) large 2.5" caliper (fifteen foot tall) shade trees on sidewalks, medians, strips, and planters, that do not require concrete cutting, along major street corridors connecting neighborhoods to the City. These plantings will be completed no later than December 31, 2004. Trees Atlanta will maintain the trees and guarantee the survival of the trees for three years, excluding trees lost to theft or vandalism; and

WHEREAS, the Downtown and Midtown Atlanta Tree Maintenance project involved mulching, pruning, fertilizing, tree grate maintenance, and watering of trees in the City located in an area bordered by 16th Street on the north side, Juniper Street on the east side, Memorial Drive on the south side, and West Peachtree Street on the West side. The project also involved carrying out a tree inventory to organize tree maintenance, and recording tree planting locations and trees' history by Trees Atlanta; and



WHEREAS, the Bureau of Parks is in the process of auditing the work performed by Trees Atlanta to determine that Trees Atlanta has fulfilled all of its commitments and all of the City's expectations of the work to be performed; and

WHEREAS, the City recognizes that the work performed by Trees Atlanta pursuant to the 2004 Trees Atlanta Project is an excellent use of the monies collected in the Tree Trust Fund, and the City desires that Trees Atlanta continue performing the tree planting and maintenance services that it performed in 2004;

WHEREAS, Trees Atlanta has submitted a 2005 proposal whereby it would continue to implement the "NeighborWoods" program, the "Urban Street Trees" planting campaign, and the Downtown Atlanta Tree Maintenance project ("2005 Proposal") The 2005 Proposal provides that one thousand four hundred (1,400) trees will be planted pursuant to the NeighborWoods program, with a minimum of one hundred (100) new trees being planted in each City Council district. The 2005 Proposal provides that, pursuant to the Urban Street Trees program, Trees Atlanta will plant trees along fourteen (14) major streets and routes throughout the City. Lastly, the 2005 Proposal provides that Trees Atlanta will continue its Downtown Atlanta Tree Maintenance project, which shall include mulching, pruning, fertilizing, tree grate maintenance, and watering of trees in the City located in an area bordered by 16th Street on the north side, Piedmont Avenue on the east side, Memorial Drive on the south side, and Spring Street on the West side.

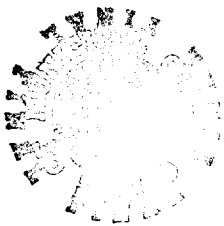
WHEREAS, the City has an ongoing need to plant additional trees in City parks and to increase the City's tree canopy by planting trees in City rights of way; and

WHEREAS, currently, the Bureau of Parks has an immediate need to plant trees in Grant Park to replace old trees that were lost in recent storms, in an amount not to exceed \$100,000; to plant trees in Adams Park to help protect the bank around the lake, in an amount not to exceed \$25,000; to plant trees in the bank along Lexington Avenue, in an amount not to exceed \$50,000; and to plant trees in Coan Park along the PATH, in an amount not to exceed \$25,000; and

WHEREAS, numerous neighborhood groups have volunteered to enhance and renovate City parks, and the City wishes to show its gratitude for and encourage said projects by creating a matching program, whereby the City will plant trees in said parks in an amount not to exceed forty percent (40%) of the total value of the neighborhood's enhancement and renovation project costs ("Matching Program"); and

WHEREAS, the City has an existing contract with Park Pride, Inc. authorizing Park Pride to coordinate various parks programs, including coordination of volunteer services citywide for park beautification; and

WHEREAS, it is consistent with Park Pride's contract to have Park Pride administer the Matching Program.



NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. The Mayor is hereby authorized to enter into an Agreement with Trees Atlanta on behalf of the City ("Agreement"), in an amount not to exceed seven hundred ninety-one thousand and three hundred Dollars (\$791,300.00), to be paid from the Tree Trust Fund, whereby Trees Atlanta shall implement its 2005 Proposal, and specifically the "NeighborWoods" project, the "Urban Street Trees" project, and the Downtown and Midtown Tree Maintenance project, that are described in the 2005 Proposal. For purposes of this Agreement, the City hereby declares that Trees Atlanta is a sole source.

Section 2. The Agreement shall require that Trees Atlanta not plant any trees in the public right of way or on other public property, pursuant to the Urban Street Trees project or on public property pursuant to the NeighborWoods project, until it has received approval regarding the species and location of each tree from the Commissioner of the Department of Parks, Recreation, and Cultural Affairs or her designee. The Agreement shall further require that Trees Atlanta not plant any trees on private property pursuant to the NeighborWoods project until it has received approval regarding the species of each tree from the Bureau of Buildings' Arborist.

Section 3. The City Attorney is hereby directed to prepare the Agreement for execution by the Mayor, and approval as to form by the City Attorney.

Section 4. The Agreement shall not become binding on the City, and the City shall incur no liability upon the same until the Agreement has been executed by the Mayor and attested to by the Municipal Clerk.

Section 5. All services rendered pursuant to the Agreement, shall be charged to and paid from Fund, Account and Center Number 3P02 724001 N12P0613QNAO.

Section 6. The Department of Parks, Recreation, and Cultural Affairs is hereby authorized and directed to purchase and plant trees in City parks and rights of way, with the exact locations being determined by the Commissioner of the Department of Parks, Recreation, and Cultural Affairs. Said work and trees shall not exceed two hundred thousand dollars (\$200,000.00), shall be paid from the Tree Trust Fund, and specifically shall be charged to and paid from Fund, Account and Center Number 3P02 724001 N12P0613QNAO.

Section 7. The Department of Parks, Recreation, and Cultural Affairs is hereby authorized to create a Matching Program, to be administered by Park Pride, except that the Commissioner of the Department of Parks, Recreation and Cultural Affairs, or her/his designee, must approve any matching amount determined by Park Pride prior to the



matching amount being awarded. Said Matching Program shall be funded annually from the Tree Trust Fund, without need for further legislation, in an amount not to exceed \$100,000 per year. Said \$100,000 per year shall be transferred annually from Fund, Account and Center Number 3P02 724001 Y12P0613QNAO to Fund, Account and Center Number 3P02 724001 N12P0613QNAO.

Section 8. The 2004 Trust Fund Budget Department of Planning and Community Development is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

3P02 729002	Service Grant	
Y12P0613QNAO	Tree Recompense Fund	<u>\$ 1,091,300</u>

TRANSFER TO APPROPRIATIONS

3P02 724001	Consultant Professional Services	
N12P0613QNAO	Tree Recompense Fund	<u>\$1,091,300</u>

Section 9. All ordinances and resolutions in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of said conflict.

A true copy,

Shanda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

Jan 03, 2005
Jan 10, 2005

RCS# 6370
1/03/05
2:00 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 2-15

ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 6
EXCUSED: 0
ABSENT 0

Y Smith	NV Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	NV Sheperd	NV Borders

CONSENT I

04-0-2219

(Do Not Write Above This Line)

AN ORDINANCE BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING DISTRIBUTION OF A
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AFFAIRS FOR PLANTING TREES IN CITY PARKS
AND IN THE CITY RIGHT OF WAY; \$100,000
PER YEAR SHALL BE ALLOCATED TO PARK PRIDE
FOR A TREE PLANTING MATCHING PROGRAM; AND
THE MAYOR SHALL BE AUTHORIZED TO ENTER INTO
AN AGREEMENT WITH TREES ATLANTA, INC. FOR
THE PLANTING AND MAINTENANCE OF TREES IN AN
AMOUNT NOT TO EXCEED \$791,300.00 TO BE PAID
FOR FROM THE TREE TRUST FUND; AND ALL WORK
SHALL BE CHARGED TO AND PAID FROM FUND,
ACCOUNT AND CENTER NUMBER 3P02 724001
N12P0613QNAO, CONSULTANT PROFESSIONAL SER-
VICES, TREE RECOMPENSE FUND; AND FOR OTHER
PURPOSES.

ADOPTED BY

JAN 03 2005

COUNCIL.

☒ CONSENT REFER

☐ REGULAR REPORT REFER

☐ ADVERTISE & REFER

☐ 1st ADOPT 2nd READ & REFER

☐ PERSONAL PAPER REFER

Date Referred

12-06-2004

Referred To:

CD/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

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Committee

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FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

JAN 03 2005

ATLANTA CITY COUNCIL PRESIDENT

JAN 03 2005

Rick D. Thompson
MUNICIPAL CLERK

MAYOR'S ACTION

MAYOR